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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,877	12/03/2003	Ronald Kronenberger	00130-0138US	5412

32116 7590 06/01/2006

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661

EXAMINER
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IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/726,877	Applicant(s) KRONENBERGER, RONALD	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/04</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***SPECIFICATION***

***Abstract***

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

***CLAIMS***

***Summary***

Claims 1,15 and 21 are the independent claims under consideration in this Office Action.

Claims 2-14,16-20 and 22-25 are the dependent claims under consideration in this Office Action.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5,7-9,11,13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "Mom's Blankets Cover Life in Army" by Jacquin Sanders.

Sanders discloses the invention substantially as claimed. Sanders teaches a blanket having military patches sewn thereon and further teaches at least some of those

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patches as coming from her husband's uniform(s). Her son teaches that "the first thing the men did when they got to camp was have their old patches taken off and the 3<sup>rd</sup> Army patches sewn on". Accordingly, this newspaper article teaches providing an article with a first adornment layer sewn on at least a substrates layer of a uniform and stocking the item with the first appearance to meet and actual or anticipated demand for the article having the first appearance. In this case it would have been the need to stock uniforms with patches in anticipation of the soldiers joining the Army. When the soldiers arrived at the tailor's office of Fort Lee, Virginia, the appearance of the article was changed from said first appearance by "taking off" the first adornment and providing a second adornment in its place and attaching the second adornment to the article (uniform) and thus making the article with the second appearance available to the soldier to meet an actual demand for presentation of the 3<sup>rd</sup> Army patch on the uniform. However, Sander's does not specifically suggest releasing the stitching to allow the first adornment to be separated from the article.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to remove the stitching of the "old" patch by releasing or cutting the stitching so as to separate the patch from the article. Providing such a cutting/ releasing step is the most common, easiest and neatest way to remove a patch from a uniform.

Claims 1-5,7 and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kronenberger (6,272,689).

Kronenberger discloses the invention substantially as claimed. Kronenberger teaches a method of providing an article with a first adornment layer and then removing this layer and replacing it with a second adornment layer. Kronenberger teaches providing a headwear or cap article with an exposed substrate visor layer and providing a first adornment (figures 3 or 4) and stitching (column 1, line 65, for example) which can comprise an athletic team or other information (column 2, line 25-29, for example). The article is stocked or displayed and made available for purchase and where the adornment can be changed depending on a demand by the user. A second adornment is provided where the first adornment is selectively replaced by the second adornment (figure 4, for example), where the second adornment is attached to the cap by stitching or adhesive. However, Kronenberger does not specifically suggest releasing the stitching to allow the first adornment to be separated from the article.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to remove the stitching of the "old" patch by releasing or cutting the stitching so as to separate the patch from the article. Providing such a cutting/releasing step is the most common, easiest and neatest way to remove a patch from a uniform.

Claims 6,13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kronenberger (6,272,689).

Kronenberger discloses the invention substantially as claimed. Kronenberger teaches a method of providing an article with a first adornment layer and then removing this layer and replacing it with a second adornment layer. Kronenberger teaches providing a headwear or cap article with an exposed substrate visor layer and providing a first adornment (figures 3 or 4) and stitching (column 1, line 65, for example) which can comprise an athletic team or other information (column 2, line 25-29, for example). However, Kronenberger, as modified above, does not further suggest the second adornment as being of the type where it identifies a competing team to the first adornment sports team or a first participant and second participant.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to further construct or define the second adornment as including a competing team to the first adornment or a competing participant relative to a second participant. Kronenberger teaches the information of the second adornment can be different from the first and that the information can relate to an athletic team. Providing a competing team or participant identifier as the second adornment would be desirable to a person selling the caps since this could double the sales of such an article, where the cap is made available to the fans of both teams.

Claims 15-17 and 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. (6,675,512).

Shwartz et al. disclose the invention substantially as claimed. Shwartz et al. teach a headwear piece or cap comprising a crown 41 for placement on the head of a user and a bill 42 projecting from the crown. The cap has a substrate layer for attachment of an adornment 11 and 20 thereon. The adornment is sewn (column 4, line 19) to the substrate. The adornment 20 includes extensions 23 which are bent behind the adornment 11 (figure 3B) for attachment to this. When the adornment part 20 is replaced, then the adornment 11 is removed from the cap and the extensions are straightened and second different adornment 20 is replaced with extensions re-bent. The adornment 11 is then stitched in place again. Schwartz et al. teach that the adornment can comprise a logo or a special event. However, Shwartz et al. do not specifically define the stitching as being a tack stitching.

Shwartz et al. teach in figure 4A an adornment where the stitching is placed in discrete points with separations therebetween. This spacing denotes a tack stitching where the sewing is performed at distinct points separated therebetween.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct or define the stitching in Shwartz et al. as being of the tack stitching type where the stitching is provided in discrete points with spacing therebetween.

Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al.

Swartz et al. disclose the invention substantially as claimed. Swartz et al. teach a headwear piece or cap comprising a crown 41 for placement on the head of a user and a bill 42 projecting from the crown. The cap has a substrate layer for attachment of an adornment 11 and 20 thereon. The adornment is taught as including a logo or a special event. The adornment is sewn (column 4, line 19) to the substrate. The adornment 20 includes extensions 23 which are bent behind the adornment 11 (figure 3B) for attachment to this. When the adornment part 20 is replaced, then the adornment 11 is removed from the cap and the extensions are straightened and second different adornment 20 is replaced with extensions re-bent. The adornment 11 is then stitched in place again. Providing a headwear or cap article with an exposed substrate visor layer and providing a first adornment (figures 3 or 4) and stitching (column 1, line 65, for example) which can comprise an athletic team or other information (column 2, line 25-29, for example). However, Kronenberger, as modified above, does not further suggest the second adornment as being of the type where it identifies a competing team to the first adornment sports team or a first participant and second participant.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct or define the second adornment as further including a competing team to the first adornment or a competing participant relative to a second participant. Providing a competing team or participant identifier as the second



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adornment would be desirable to a person selling the caps since this could double the sales of such an article, where the cap is made available to the fans of both teams.

### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ketter illustrates bar tack stitching. Druskoczi illustrates a book cover having portions thereon tack stitched. Kronenberger '702 illustrates a sewn adornment including a frangible portion removable for exposing a second adornment. Kemper illustrates covers tack stitched for removal and exposure of underlying figures. Burrell et al., and Fortuna illustrate an appliqué including tack stitching being covered by overlying stitching. Walter illustrates sewn identifiers on a horse blanket.

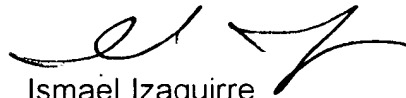
### ***INQUIRIES***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre  
Primary Examiner  
Art Unit 3765